

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6523**

**BILL NUMBER:** SB 201

**NOTE PREPARED:** Dec 21, 2011

**BILL AMENDED:**

**SUBJECT:** Transfer of Human Organisms Exemption.

**FIRST AUTHOR:** Sen. Miller

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill exempts fertility clinics that meet specified requirements from the crime of unlawful transfer of a human organism. It also provides that not more than \$4,000 may be paid to a woman donor or exempted fertility clinic for recovery time. (Current law provides that not more than \$3,000 may be paid to a woman donor for recovery time.)

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** This bill provides exemptions from the Class C felony of unlawful transfer of a human organism.

*Penalty Provision:* A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily, per prisoner. However, any reduction in expenditures from the new exemption is likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

**Explanation of State Revenues:** *Penalty Provision:* If fewer court cases occur or fewer fines are collected, revenue otherwise deposited in the Common School Fund (from criminal fines) and the state General Fund (from court fees) would be reduced. The maximum fine for a Class C felony is \$10,000. However, any reduction in revenues would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* If fewer defendants are detained in county jails

prior to their court hearings, local expenditures for jail operations may decrease. However, any reduction in expenditures would likely be small.

**Explanation of Local Revenues:** *Penalty Provision:* If fewer court actions occur, local governments would receive less revenue from court fees. However, any reductions would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Kathy Norris, 317-234-1360.